

Docket No.  
37264.6.0

# Declaration and Power of Attorney For Patent Application

## English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**FLAVIRUS EXPRESSION AND DELIVERY SYSTEM**

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on 26 May 2000 as United States Application No. or PCT International

Application Number 09/580,476

and was amended on \_\_\_\_\_

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

PP0627	AU	28/11/97	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	
PP6096	AU	23/09/98	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

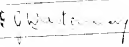
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

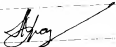
POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

James R. Haller, Reg. No. 24,906;  
 Philip M. Goldman, Reg. No. 31,162;  
 Edward S. Hotchkiss, Reg. No. 33,904;  
 David C. West, Reg. No. 35,735;  
 Charles D. Segelbaum, Reg. No. 42,138;  
 Eric J. Snustad, Reg. No. 45,120

Send Correspondence to: Philip M. Goldman  
**FREDRIKSON & BYRON, P.A.**  
 1100 International Centre, 900 Second Avenue South  
 Minneapolis, MN 55402

Direct Telephone Calls to: (name and telephone number)  
 Philip M. Goldman (612) 347-7088

Full name of sole or first inventor <b>WESTAWAY, Edwin G.</b>	Date
Sole or first inventor's signature 	
Residence <b>Herston Road, Herston, Queensland, Australia 4029</b>	
Citizenship <b>Australia</b>	
Post Office Address <b>Herston Road,</b>	
<b>Herston, Queensland, Australia 4029</b>	

Full name of second inventor, if any <b>KHROMYKH, Alexander A.</b>	Date
Second inventor's signature 	
Residence <b>Herston Road, Herston, Queensland, Australia 4029</b>	
Citizenship <b>Australia</b>	
Post Office Address <b>Herston Road,</b>	
<b>Herston, Queensland, Australia 4029</b>	

Full name of third inventor, if any

**VARNAVSKI, Andrei**

Date

Third inventor's signature

11/2/00

Residence

**Herston Road, Herston, Queensland, Australia 4029**

Citizenship

**Australia**

Post Office Address

**Herston Road,****Herston, Queensland, Australia 4029**

Full name of fourth inventor, if any

Date

Fourth inventor's signature

Residence

Citizenship

Post Office Address

Full name of fifth inventor, if any

Date

Fifth inventor's signature

Residence

Citizenship

Post Office Address

Full name of sixth inventor, if any

Date

Sixth inventor's signature

Residence

Citizenship

Post Office Address

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) AND 1.27 (d)) - NONPROFIT ORGANIZATION**

 Docket No.  
37264.6.0

 Serial No.  
09/580,476

 Filing Date  
26 May 2000

Patent No.

Issue Date

 Applicant/  
Patentee: Westaway et al.

Invention: FLAVIVIRUS EXPRESSION AND DELIVERY SYSTEM



I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

 NAME OF ORGANIZATION: The Crown in the Right of the Queensland Department of Health

 ADDRESS OF ORGANIZATION: Sir Albert Sakzewski Virus Research Centre
Royal Children's Hospital
Herston Road, Herston
Queensland, Australia 4029
**TYPE OF NONPROFIT ORGANIZATION:**

- ☐ University or other Institute of Higher Education
- ☐ Tax Exempt under Internal Revenue Service Code (26 U.S.C. 501(a) and 501(c)(3))
- ☐ Nonprofit Scientific or Educational under Statute of State of The United States of America  
     Name of State: \_\_\_\_\_ Citation of Statute: \_\_\_\_\_
- ☐ Would Qualify as Tax Exempt under Internal Revenue Service Code (26 U.S.C. 501(a) and 501(c)(3)) if Located in The United States of America
- ☒ Would Qualify as Nonprofit Scientific or Educational under Statute of State of The United States of America if Located in The United States of America  
     Name of State: \_\_\_\_\_ Citation of Statute: \_\_\_\_\_

I hereby declare that the above-identified nonprofit organization qualifies as a nonprofit organization as defined in 37 C.F.R. 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in:

- ☐ the specification to be filed herewith.
- ☒ the application identified above.
- ☐ the patent identified above.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the above-identified nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed on the next page and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☐ no such person, concern or organization exists.  
☐ each such person, concern or organization is listed below.

FULL NAME  
ADDRESS

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

FULL NAME  
ADDRESS

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

FULL NAME  
ADDRESS

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

FULL NAME  
ADDRESS

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

TITLE IN ORGANIZATION:

ADDRESS OF PERSON SIGNING:

Herston Road, Herston

Queensland, Australia 4029

Dr Alan F Isles

District Manager

RCH & HSD

13/07/00

SIGNATURE:

DATE:

# **VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) AND 1.27 (b)) - INDEPENDENT INVENTOR**

Docket No.  
37264.6.0

Serial No.

Filing Date

Patent No.

Issue Date

09/580,476

26 May 2000

Applicant/  
Patentee: Westaway et al.

Invention: **FLAVIVIRUS EXPRESSION AND DELIVERY SYSTEM**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled above and described in:

- ☐ the specification to be filed herewith.
- ☒ the application identified above.
- ☐ the patent identified above.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☐ No such person, concern or organization exists.
- ☒ Each such person, concern or organization is listed below.

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27)

FULL NAME The Crown in the Right of the Queensland Department of Health, Sir Albert Sakzewski Virus Research Centre, Royal Children's Hospital, Herston Road, Herston, Queensland, Australia 4029

ADDRESS ☐ Individual ☐ Small Business Concern ☒ Nonprofit Organization

FULL NAME

ADDRESS

☐ Individual

☐ Small Business Concern

☐ Nonprofit Organization

FULL NAME

ADDRESS

☐ Individual

☐ Small Business Concern

☐ Nonprofit Organization

FULL NAME

ADDRESS

☐ Individual

☐ Small Business Concern

☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF INVENTOR Edwin G. WestawaySIGNATURE OF INVENTOR [Signature]DATE: 21/6/00NAME OF INVENTOR Alexander A. KhromykhSIGNATURE OF INVENTOR [Signature]DATE: 21/6/00NAME OF INVENTOR Andrei VarnavskiSIGNATURE OF INVENTOR [Signature]DATE: 11/6/00

NAME OF INVENTOR \_\_\_\_\_

SIGNATURE OF INVENTOR \_\_\_\_\_

DATE: \_\_\_\_\_

NAME OF INVENTOR \_\_\_\_\_

SIGNATURE OF INVENTOR \_\_\_\_\_

DATE: \_\_\_\_\_

NAME OF INVENTOR \_\_\_\_\_

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DATE: \_\_\_\_\_

NAME OF INVENTOR \_\_\_\_\_

SIGNATURE OF INVENTOR \_\_\_\_\_

DATE: \_\_\_\_\_

NAME OF INVENTOR \_\_\_\_\_

SIGNATURE OF INVENTOR \_\_\_\_\_

DATE: \_\_\_\_\_